

IN THE GRAND COURT OF THE CAYMAN ISLANDS

Cause No. 475/01 of 2001

In the Matter of the Registered Land Law

**BETWEEN:** BRITISH AMERICAN BANK LTD. PLAINTIFF  
**AND:** CLASTON HOLNESS FIRST DEFENDANT  
**AND:** BERNADINE HOLNESS SECOND DEFENDANT

ORIGINATING SUMMONS

LET THE DEFENDANTS attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the 19 day of OCT 2001, at 9:30 o'clock on the hearing of an application by the Plaintiff for the following orders:

1. That this Honourable Court doth sanction and permit the sale by private treaty of all that land and property registered in the Cayman Islands Land Register and being particularly known as Registration Section Spotts, Block 24B, Parcel 141 (hereinafter the "Property") by the Plaintiff as Chargee with a power of sale over the Property.
2. That the Defendants and any other person occupying the Property do, within 28 days of this Order, vacate the Property and take all appropriate steps to give the Plaintiff vacant possession of the Property.
3. That this Honourable Court shall give directions with regard to the price for the sale of the Property.
5. Such further or other relief as this Honourable Court may deem appropriate.

LET THE DEFENDANT, within 14 days after service of this Summons on him, counting the day of service, return the accompanying Acknowledgment of Service to the Courts Office, P.O. Box 495G, George Town, Grand Cayman.

Dated the 1st August 2001.

  
ORREN MERRIN & COMPANY  
Attorneys-at Law for the Plaintiff

**NOTES:-**

- (1) This Summons may not be served later than 4 calendar months, beginning with the above date unless renewed by order of the Court.
- (2) If a Defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

**IMPORTANT**

Directions for Acknowledgment of Service are given with the accompanying form.

Time estimated: 15 minutes

To: The Clerk of the Court

And to: Claston Holness & Bernadine Holness

**THIS ORIGINATING SUMMONS** was issued by Messrs. Orren Merren & Company, whose address for service is Kirk House Third Floor, Albert Panton Street, P. O. Box 481G, Grand Cayman, Cayman Islands, British West Indies, Attorneys-at-Law for the Plaintiff.

No. 9

**Acknowledgment of service of originating summons (O.10, r.5)**

**DIRECTIONS FOR ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS**

The accompanying form of *Acknowledgment of Service* should be completed by an Attorney acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Law Courts, P.O. Box 495G, George Town, Grand Cayman.

***Notes for Guidance***

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Courts Office.
2. If you wish to defend claims made in the originating summons, or intend to attend the proceedings and to participate in them so far as necessary (although not necessarily in an adversarial manner) you should tick the "Yes" box in paragraph 2 of the acknowledgment of service.
3. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him.

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**BETWEEN:**      **BRITISH AMERICAN BANK LTD.**      **PLAINTIFF**

**AND:**            **CLASTON HOLNESS**                              **FIRST DEFENDANT**

**AND:**            **BERNADINE HOLNESS**                              **SECOND DEFENDANT**

**ACKNOWLEDGMENT OF SERVICE  
OF ORIGINATING SUMMONS**

If you intend to instruct an Attorney to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

- 
1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.
- 
2. State whether the Defendant intends to contest the proceedings (*tick appropriate box*)
 

"      "	"      "
yes	no
- 

Service of the Originating Summons is acknowledged accordingly

(Signed).....  
 [Attorney] for  
 [Defendant in person]  
 Address for service:

Notes on address for service

*Attorney: where the Defendant is represented by an attorney, state the attorney's place of business in the Cayman Islands. A Defendant may not act by a foreign attorney.*

*Defendant in person: where the Defendant is acting in person, he must give his post office box number and the physical address of his residence or, if he does not reside in the Cayman Islands, he must give an address in Grand Cayman where communications for him should be sent. In the case of a limited company, "residence" means its registered principal office.*

***Please complete overleaf***

*Indorsement by plaintiff's Attorney (or by plaintiff if suing in person) of his name, address and reference, if any, in the box below.*

Orren Merren & Company  
Attorneys-at-Law  
P. O. Box 481G  
Kirk House, Third Floor,  
Albert Panton Street,  
Grand Cayman, B. W. I. PS: sh

*Indorsement by defendant's Attorney (or by defendant if suing in person) of his name, address and reference, if any, in the box below.*